



**Service of Process  
Transmittal**

08/06/2021

CT Log Number 540037178

**TO:** Kim Lundy- Email  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Georgia**

**FOR:** Wal-Mart Stores East, LP (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Zavala Juana, Pltf. vs. Wal-Mart Stores East, LP, Dft.

**DOCUMENT(S) SERVED:** Entry, Summons, Attachment(s), Complaint, First Interrogatories, First Request(s)

**COURT/AGENCY:** Whitfield County, Superior Court, GA  
Case # 21CI00984

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 08/16/2019, Store #5173 located at 815 Shugart Road, Dalton, GA, 30720

**ON WHOM PROCESS WAS SERVED:** The Corporation Company (FL), Cumming, GA

**DATE AND HOUR OF SERVICE:** By Process Server on 08/06/2021 at 12:08

**JURISDICTION SERVED :** Georgia

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, exclusive of the day of service (Document(s) may contain additional answer dates)

**ATTORNEY(S) / SENDER(S):** Nathan D. Lock  
McCamy, Phillips, Tuggle & Fordham, LLP  
P.O. Box 1105  
Dalton, GA 30722  
706-278-4499

**ACTION ITEMS:** CT has retained the current log, Retain Date: 08/06/2021, Expected Purge Date: 08/11/2021  
  
Image SOP

**REGISTERED AGENT ADDRESS:** The Corporation Company (FL)  
106 Colony Park Drive  
STE 800-B  
Cumming, GA 30040  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

SHERIFF'S ENTRY OF SERVICE

SC-85-2

Superior Court ☒ Magistrate Court ☐  
 State Court ☐ Probate Court ☐  
 Juvenile Court ☐

Civil Action No. 21CI00984SDate Filed August 2, 2021Georgia WHITFIELD COUNTY

Attorney's Address

Nathan D. Lock, Esq.  
 P.O. Box 1105  
 Dalton, GA 30722

Name and Address of Party to be Served.

Wal-Mart Stores East, LPc/o The Corporation Company106 Colony Park Dr., Ste. 800-BCumming, GA 30040-2794JUANA ZAVALA

Plaintiff

VS.

WAL MART STORES EAST, LP

Defendant

Garnishee

## SHERIFF'S ENTRY OF SERVICE

PERSONAL ☐

I have this day served the defendant \_\_\_\_\_ personally with a copy  
 of the within action and summons.

NOTORIOUS ☐

I have this day served the defendant \_\_\_\_\_ by leaving a  
 copy of the action and summons at his most notorious place of abode in this County.

Delivered same into hands of \_\_\_\_\_ described as follows:  
 age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of  
 defendant.

CORPORATION ☒

Served the defendant Wal-Mart Stores East, LP c/o The Corporation Company a corporation  
 by leaving a copy of the within action and summons with and Plaintiff's First Interrogatories and Request  
for Production of Documents with \_\_\_\_\_ in charge of the office any place of doing business of said Corporation in this County. Nahseer Walker

TACK & MAIL ☐

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said  
 affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the  
 defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the  
 place stated in the summons.

NON EST ☐

Diligent search made and defendant \_\_\_\_\_  
 not to be found in the jurisdiction of this Court.

This 6 day of Aug, 20 21

DEPUTY

SHERIFF DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_  
 WHITE-CLERK CANARY-PLAINTIFF PINK-DEFENDANT

**SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA**

**FILED IN OFFICE**  
CLERK OF SUPERIOR COURT  
WHITFIELD COUNTY, GEORGIA  
**21CI00984**  
**SCOTT MINTER**  
**AUG 02, 2021 09:52 AM**

*Babs Bailey*  
Babs Bailey, Clerk  
Whitfield County, Georgia

CIVIL ACTION NUMBER 21CI00984

Zavala, Juana

**PLAINTIFF**

**VS.**

Wal-Mart Stores East, LP

**DEFENDANT**

**SUMMONS**

TO: WAL-MART STORES EAST, LP

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Nathan D Lock  
McCamy, Phillips, Tuggle & Fordham, LLP  
PO Box 1105  
Dalton, Georgia 30722-1105**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

**This 2nd day of August, 2021.**

Clerk of Superior Court

*Babs Bailey*

Babs Bailey, Clerk  
Whitfield County, Georgia

## General Civil and Domestic Relations Case Filing Information Form

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
WHITFIELD COUNTY, GEORGIA

☒ Superior or ☐ State Court of Whitfield County

**21CI00984**

SCOTT MINTER

AUG 02, 2021 09:52 AM

For Clerk Use Only

Date Filed 08-02-2021  
MM-DD-YYYY

Case Number 21CI00984

Babs Bailey  
Babs Bailey, Clerk  
Whitfield County, Georgia

## Plaintiff(s)

Zavala, Juana

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Lock, Nathan D

## Defendant(s)

Wal-Mart Stores East, LP

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Bar Number 948780 Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

## General Civil Cases

- ☐ Automobile Tort  
☐ Civil Appeal  
☐ Contract  
☐ Contempt/Modification/Other Post-Judgment  
☐ Garnishment  
☐ General Tort  
☐ Habeas Corpus  
☐ Injunction/Mandamus/Other Writ  
☐ Landlord/Tenant  
☐ Medical Malpractice Tort  
☐ Product Liability Tort  
☐ Real Property  
☐ Restraining Petition  
☒ Other General Civil

## Domestic Relations Cases

- ☐ Adoption  
☐ Contempt  
☐ Non-payment of child support, medical support, or alimony  
☐ Dissolution/Divorce/Separate Maintenance/Alimony  
☐ Family Violence Petition  
☐ Modification  
☐ Custody/Parenting Time/Visitation  
☐ Paternity/Legitimation  
☐ Support – IV-D  
☐ Support – Private (non-IV-D)  
☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☒ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Spanish Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

 **FILED IN OFFICE**  
CLERK OF SUPERIOR COURT  
WHITFIELD COUNTY, GEORGIA  
**21CI00984**  
SCOTT MINTER  
AUG 02, 2021 09:52 AM

**IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA**

  
Babs Bailey, Clerk  
Whitfield County, Georgia

**JUANA ZAVALA**

**Plaintiff,**

**vs.**

**CIVIL ACTION NO.** \_\_\_\_\_

**WAL-MART STORES EAST, LP**

**Defendant.**

**COMPLAINT FOR DAMAGES**

COMES NOW Plaintiff, JUANA ZAVALA, by and through counsel, and files this Complaint for Damages and in support thereof show the Court the following:

-1-

Defendant WAL-MART STORES EAST, LP ("Wal-Mart" or "Defendant" hereafter) is a limited partnership organized under Delaware law with its principal office located in Bentonville, Arkansas authorized to do business within the state of Georgia and is subject to the jurisdiction and venue of this Court pursuant to Ga. Const. 1983, Art. VI, II, & VI, O.C.G.A. §9-10-91, and O.C.G.A. §14-2-510 and by virtue of committing a tortious act within Whitfield County, Georgia, where it maintains an office.

-2-

Defendant may be served via its Georgia registered agent, The Corporation Company, located at 106 Colony Park Drive, Ste. 800-B, Cumming, GA 30040-2794 in Forsyth County.

-3-

Plaintiff Juana Zavala is domiciled in Whitfield County, Georgia and is likewise subject to the jurisdiction and venue of this Court.

-4-

On or about August 16, 2019, Ms. Zavala visited Defendant's Whitfield County retail store (Store #5173) located at 815 Shugart Road, Dalton, GA 30720.

-5-

Ms. Zavala was a business invitee present at Defendant's store for the purpose of shopping.

-6-

During the course of her shopping experience, Ms. Zavala slipped and fell upon a clear liquid located on the floor.

-7-

The clear liquid was unmarked and undetectable to Ms. Zavala.

-8-

Ms. Zavala suffered injuries that included a torn rotator cuff, torn bicep tendon, and damage at multiple locations in her spine as a result of her fall.

-9-

Ms. Zavala experienced severe pain and suffering, required multiple surgeries and other substantial medical treatment for her injuries.

-10-

Some of Ms. Zavala's injuries, despite treatment, have resulted in a permanent state of pain and impairment or limitation of use, affecting her quality of life and enjoyment.

**COUNT ONE – NEGLIGENT INSPECTION**

-11-

As a business invitee, Defendant owed Ms. Zavala a duty to reasonably inspect and make safe its premises.

-12-

Defendant breached that duty by failing to establish and/or follow adequate procedures to monitor its premises and discover hazards such as the liquid upon which Ms. Zavala slipped and fell.

-13-

Defendant's negligence was the direct and proximate cause of Ms. Zavala's injury and damages.

**COUNT TWO – NEGLIGENT RESPONSE TO HAZARDOUS CONDITION**

-14-

As a business invitee, Defendant owed Ms. Zavala a duty to inspect and make safe its premises.

-15-

Defendant breached that duty by failing to remove the dangerous substance from the floor upon discovery by store personnel and by failing to warn Ms. Zavala of the known hazard.

-16-

Defendant's negligence was the direct and proximate cause of Ms. Zavala's injury and damages.

**WHEREFORE**, Plaintiff prays as follows:

1. That Ms. Zavala be awarded damages for her general pain and suffering and permanent impairment in an amount to be proven at trial;
2. That Ms. Zavala be awarded compensatory damages for her expenses incurred in relation to her medical treatment and care;
3. That Ms. Zavala be awarded all pre-judgment and post-judgment interest allowed by law;
4. That Ms. Zavala be awarded any other relief the court determines equitable and proper; and
5. That a jury be empaneled to determine all issues of fact in this action.

Respectfully submitted this 2nd day of August, 2021.

**MCCAMY, PHILLIPS, TUGGLE & FORDHAM LLP**

**BY: /s/ Nathan D. Lock**  
**NATHAN D. LOCK,**  
**ATTORNEY FOR PLAINTIFF**  
**STATE BAR NO. 948780**  
**P. O. BOX 1105**  
**DALTON GA 30722-1105**  
**P:706-278-4499**  
**F:706-529-8814**  
**nlock@mccamylaw.com**



**IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA**

**JUANA ZAVALA**

**Plaintiff,**

**vs.**

**CIVIL ACTION NO. 21CI00984**

**WAL-MART STORES EAST, LP**

**Defendant.**

**PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT**

**TO: Wal-Mart Stores East, LP  
c/o The Corporation Company  
106 Colony Park Drive, Ste. 800-B  
Cumming, GA 30040-2794**

You are hereby requested pursuant to O.C.G.A. § 9-11-26, O.C.G.A. § 9-11-33 and O.C.G.A. § 9-11-34 to answer the following interrogatories separately and fully in writing under oath within forty-five (45) days from the date of service as provided by law and a copy of the answers to be furnished to Plaintiff's counsel, NATHAN D. LOCK, McCamy, Phillips, Tuggle & Fordham, LLP, P.O. Box 1105, Dalton, GA 30722-1105.

**DEFINITIONS AND INSTRUCTIONS**

- a. The term "identify" when used with reference to a person means such person's name, present home and business address, present home and business telephone numbers and present position of employment.
- b. The term "identify" when used in reference to a document means a description of the type of document, the identity of the person or persons who authored, signed or prepared it, the identity of the addressee(s), if any, and the recipient(s) of the original copy thereof; the date of the documents, or, if none, the approximate date of its preparation; the present location or custodian.
- c. A "communication" or "communications" means all oral conversations, discussions, letters, telegrams, memoranda, meeting minutes, emails, facsimile

transmissions, and any other transmission of information in any form, both oral and written.

- d. A "document" means any legal documents, business records, letters, memoranda, notes, statements, reports, work papers, drafts, copies, inter-office and intra-office communications and messages, drawings, and graphic material, whether created or stored in written, printed, tangible, electronic, mechanical, or electrical form of any kind, including material on computer hard drives, tapes, disks, files, and other memories, backup copies and "deleted" files, whether located on-site or off-site,
- e. "Defendant" shall mean Wal-Mart Stores East, LP and any employees or agents thereof.
- f. "You" includes Defendant's agents, employees, insurance company, their agents and employees, and Defendant's attorneys, investigators and anyone else acting on their behalf.
- g. "Custodian" refers to the person having possession, custody or control of any writing or physical evidence.
- h. "Occurrence" or "incident" refers to the fall which is the subject of Plaintiff's Complaint occurring on or about August 16, 2016.
- i. "Plaintiff" shall refer to Plaintiff Juana Zavala.
- j. "Subject Store" shall mean the Defendant's retail store where the accident is alleged to have occurred located at 815 Shugart Road in Dalton, Georgia.

#### INTERROGATORIES

1. Please state the name, job title, phone number, and address of all persons answering these interrogatories or providing information used to create these answers.
2. Please identify all persons or witnesses that possess information concerning how the clear liquid upon which Ms. Zavala fell came to rest on the floor, the occurrence of Ms. Zavala's fall in general, or why the liquid was not removed prior to Ms. Zavala's fall. For each person identified, state the subject of their knowledge.
3. Please identify all employees, including job title, that were responsible on August 16, 2016 for inspecting and/or cleaning the area of the store where Ms. Zavala fell.
4. Please describe all procedures in place at the time of the incident to ensure prompt discovery of spills or other fall hazards that may arise in the subject store.
5. Please describe all procedures in place at the time of the incident to prevent harm to patrons following the discovery of a spill or other fall hazard in the subject store.
6. Please describe all ways in which Defendant ensures its employees are aware of the procedures identified in numbers 4 and 5 above.

7. Please state the time of the Plaintiff's fall as accurately as you can, giving the year, month, day, hour, and minute if possible.
8. Was defendant in charge of maintaining the premises at the time of the incident? If not please identify the person or entity that was in charge of maintaining the premises at the time of the incident.
9. Please identify the manager on duty at the subject store at the time of Plaintiff's injury.
10. Please identify all employees responsible for monitoring video surveillance at the subject store at the time of the subject incident.
11. Was the subject incident captured by video surveillance or photograph? If so identify the custodian of the video or photograph.
12. Did video surveillance or photograph capture the events that caused the clear liquid upon which Plaintiff slipped to come into contact with the floor of the subject store? If so identify the custodian of the video or photograph.
13. Please Identify and describe the material(s) comprising the flooring of the subject store in the location where Plaintiff fell, including color and texture.
14. Please describe in detail all steps taken by defendant or its agents to assist the Plaintiff upon discovery of Plaintiff's injury.
15. How much time passed between Plaintiff's injury and the moment when an agent of the defendant first responded to provide assistance to her?
16. Please identify all insurance policies that may be liable for all or part of plaintiff's recovery in the event plaintiff is awarded damages in this suit.
17. Please identify all representatives of Defendant that communicated with Plaintiff following her fall and describe the date and subject of each communication.
18. Was a report made of this incident? If so, identify the person(s) who created each report and the custodian of each report.
19. Is Defendant in possession of any written or recorded statements pertaining to the subject incident, including but not limited to witness statements?
20. Please identify and describe with specificity all negligent acts of Plaintiff which you allege contributed to her injuries.
21. Were any employees terminated as a result of the subject incident? If so, please identify each such employee, the date of termination, and reason for termination.

22. Were any employees disciplined as a result of the subject incident? If so, please identify each such employee, the date of discipline, and the reason for discipline.
23. Please identify any and all person whom you intend to call as an expert witness at the trial of this suit and the subject matter of each such person's testimony.
24. As to each expert witness identified in response to the previous interrogatory, describe in detail the qualifications of each expert. You may attach the expert's CV in lieu of answering this interrogatory.
25. Identify the person or persons who spilled the clear liquid upon which Plaintiff fell.

This 2nd day of August, 2021.

**McCamy, Phillips, Tuggle and Fordham, LLP**

/s/ Nathan D. Lock

NATHAN D. LOCK

Attorney for the Plaintiffs

Georgia Bar Number: 948780

P.O. Box 1105

Dalton, Georgia 30722-1105

P: (706) 278-4499

F: (706) 529-8814

**IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA**

**JUANA ZAVALA**

**Plaintiff,**

**vs.**

**CIVIL ACTION NO. 21CI00984**

**WAL-MART STORES EAST, LP**

**Defendant.**

**PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO  
DEFENDANT**

**TO: Wal-Mart Stores East, LP  
c/o The Corporation Company  
106 Colony Park Drive, Ste. 800-B  
Cumming, GA 30040-2794**

You are hereby requested pursuant to O.C.G.A. §9-11-34 to produce on the 45<sup>th</sup> day from the receipt of this pleading, or at any sooner agreeable time to Plaintiff's counsel, NATHAN D. LOCK, McCamy, Phillips, Tuggle & Fordham, LLP, 411 West Crawford Street, Dalton, Georgia 30720, the numbered items described herein and there to permit the inspection, copying, and photographing of said items.

In lieu of appearance, you may provide a true copy of said items and mail them to the undersigned.

**DEFINITIONS AND INSTRUCTIONS**

- a. A "communication" or "communications" means all oral conversations, discussions, letters, telegrams, memoranda, meeting minutes, emails, facsimile transmissions, and any other transmission of information in any form, both oral and written.
- b. A "document" means any legal documents, business records, letters, memoranda, notes, statements, reports, work papers, drafts, copies, inter-office and intra-office communications and messages, drawings, and graphic material,

whether created or stored in written, printed, tangible, electronic, mechanical, or electrical form of any kind, including material on computer hard drives, tapes, disks, files, and other memories, backup copies and "deleted" files, whether located on-site or off-site,

- c. "Defendant" shall mean Wal-Mart Stores East, LP and any employees or agents thereof.
- d. "You" includes Defendant's agents, employees, insurance company, their agents and employees, and Defendant's attorneys, investigators and anyone else acting on their behalf.
- e. "Custodian" refers to the person having possession, custody or control of any writing or physical evidence.
- f. "Occurrence" or "incident" refers to the fall which is the subject of Plaintiff's Complaint occurring on or about August 16, 2016.
- g. "Plaintiff" shall refer to Plaintiff Juana Zavala.
- h. "Subject Store" shall mean the Defendant's retail store where the accident is alleged to have occurred located at 815 Shugart Road in Dalton, Georgia.

#### DOCUMENTS REQUESTED

- 1. All videos and photographs depicting Plaintiff while in the subject store on the date of the incident.
- 2. All videos and photographs depicting the manner in which the clear liquid upon which Plaintiff slipped came to rest upon the floor.
- 3. All videos and photographs depicting the physical location within the subject store where Plaintiff fell from the time the clear liquid was spilled until Plaintiff was removed from the floor following her fall.
- 4. All accident reports or other documents recording the subject occurrence.
- 5. All recorded and written statements taken from any person with knowledge of the subject occurrence, including but not limited to the Plaintiff.
- 6. All reports of law enforcement and other emergency responders regarding the subject incident.
- 7. All documents identified in or relied upon when answering Plaintiff's First Interrogatories to Defendant.
- 8. All communications between you and any expert witness regarding this action or the incident forming the basis of this action.

9. All employee records reflecting a reprimand, discipline, or termination related to the subject incident.
10. All documents provided to employees of Defendant providing instruction regarding Defendant's policies and procedures for detection of spill hazards and removal of spill hazards.
11. All documents, including but not limited to credit card and bank account information, that may assist Plaintiff in identifying and locating the person or persons who spilled the clear liquid upon which she fell.
12. All logs or other documents recording the time and/or manner of inspection of the area in which Plaintiff fell for the entire day of August 16, 2016.

This 2nd day of August, 2021.

**McCamy, Phillips, Tuggle and Fordham, LLP**

/s/ Nathan D. Lock

NATHAN D. LOCK

Attorney for the Plaintiff

Georgia Bar Number: 948780

P.O. Box 1105

Dalton, Georgia 30722-1105

P: (706) 278-4499

F: (706) 529-8814

**21CI00984**  
**SCOTT MINTER**  
**SEP 05, 2021 11:37 AM**

IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA

JUANA ZAVALA,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

Civil Action File No.  
21CI00984

*Babs Bailey*  
Babs Bailey, Clerk  
Whitfield County, Georgia

**ANSWER OF DEFENDANT**

COMES NOW, Defendant WAL-MART STORES EAST, LP, and makes this  
Answer to Plaintiff's Complaint as follows:

**FIRST DEFENSE**

Plaintiff's Complaint fails to state a claim against Defendant upon which  
relief can be granted.

**SECOND DEFENSE**

Plaintiff's alleged damages, if any, were directly and proximately caused by  
Plaintiff's own contributory negligence and failure to exercise ordinary care.

**THIRD DEFENSE**

Plaintiff was not in the exercise of ordinary care for her own safety in the  
premises, and by the exercise of ordinary care could have avoided any injury to  
herself; and on account thereof, Plaintiff is not entitled to recover from Defendant.



FOURTH DEFENSE

Defendant denies that it was negligent in any manner whatsoever or that any negligent act or omission on its part caused or contributed to any injury or damage alleged to have been sustained by Plaintiff.

FIFTH DEFENSE

Plaintiff assumed the risk of any hazard that was presented and is thereby barred from recovering against Defendant.

SIXTH DEFENSE

Defendant responds to the enumerated paragraphs of Plaintiff's Complaint as follows:

1.

Defendant admits the allegations only as to jurisdiction and venue contained in paragraph 1 of the Plaintiff's Complaint.

2.

Defendant admits the allegations contained in paragraph 2 of the Plaintiff's Complaint.

3.

Defendant lacks sufficient knowledge and information to either admit or deny the allegations contained in paragraph 3 of Plaintiff's Complaint.

4.

Defendant admits the allegations contained in paragraph 4 of the Plaintiff's Complaint.

5.

Defendant denies, as stated, the allegations contained in paragraph 5 of the Plaintiff's Complaint.

6.

Defendant lacks sufficient knowledge and information to either admit or deny the allegations contained in paragraph 6 of Plaintiff's Complaint.

7.

Defendant denies the allegations contained in paragraph 7 of the Plaintiff's Complaint.

8.

Defendant denies the allegations contained in paragraph 8 of the Plaintiff's Complaint.

9.

Defendant denies the allegations contained in paragraph 9 of the Plaintiff's Complaint.

10.

Defendant denies the allegations contained in paragraph 10 of the Plaintiff's Complaint.

11.

Defendant denies, as stated, the allegations contained in paragraph 11 of the Plaintiff's Complaint.

12.

Defendant denies the allegations contained in paragraph 12 of the Plaintiff's Complaint.

13.

Defendant denies the allegations contained in paragraph 13 of the Plaintiff's Complaint.

14.

Defendant denies, as stated, the allegations contained in paragraph 14 of the Plaintiff's Complaint.

15.

Defendant denies the allegations contained in paragraph 15 of the Plaintiff's Complaint.

16.

Defendant denies the allegations contained in paragraph 16 of the Plaintiff's Complaint.

17.

All other allegations contained in the Complaint which are not specifically responded to herein, are, therefore, denied.

Defendant denies Plaintiff's prayer for relief, including all subparts thereof.

WHEREFORE, Defendant prays that Plaintiff's Complaint be dismissed with all costs cast upon the Plaintiff. DEFENDANT DEMANDS TRIAL BY A JURY OF TWELVE (12) PERSONS AS TO ALL ISSUES SO TRIABLE.

McLAIN & MERRITT, P.C.



---

Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326  
(404) 365-4576  
(404) 364-3138 (fax)  
[jrogers@mmatllegal.com](mailto:jrogers@mmatllegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **ANSWER OF DEFENDANT WAL-MART STORES EAST, LP** has this day been filed and served upon opposing counsel via PeachCourt E-File.

This the 5th day of September, 2021.

McLAIN & MERRITT, P.C.

A handwritten signature in black ink, appearing to read 'J. Rogers', written over a horizontal line.

Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326  
(404) 365-4576  
(404) 364-3138 (fax)  
[jrogers@mmatllegal.com](mailto:jrogers@mmatllegal.com)

**21CI00984**  
**SCOTT MINTER**  
**SEP 05, 2021 11:37 AM**

IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA

JUANA ZAVALA,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

Civil Action File No.  
21CI00984

*Babs Bailey*  
Babs Bailey, Clerk  
Whitfield County, Georgia

**12-PERSON JURY DEMAND**

COMES NOW Defendant, WAL-MART STORES EAST, LP and demands a  
trial by a jury of twelve (12) persons.

McLAIN & MERRITT, P.C.



Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326  
(404) 365-4576  
(404) 364-3138 (fax)  
[jrogers@mmatlalaw.com](mailto:jrogers@mmatlalaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **12-PERSON JURY DEMAND** has this day been filed and served upon opposing counsel via PeachCourt E-File.

This the 5th day of September, 2021.

McLAIN & MERRITT, P.C.

A handwritten signature in dark ink, appearing to read 'J. Rogers', written over a horizontal line.

Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326  
(404) 365-4576  
(404) 364-3138 (fax)  
[jrogers@mmatllegal.com](mailto:jrogers@mmatllegal.com)

**21CI00984**  
**SCOTT MINTER**  
**SEP 05, 2021 11:37 AM**

IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA

JUANA ZAVALA,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

Civil Action File No.  
21CI00984

*Babs Bailey*  
Babs Bailey, Clerk  
Whitfield County, Georgia

**NOTICE OF TAKING DEPOSITION**

YOU ARE HEREBY notified that beginning on the 23<sup>rd</sup> day of November, 2021, commencing at 11:00 a.m., at the offices of McCamy, Phillips, Tuggle & Fordham LLP, 411 West Crawford Street, Dalton, GA 30720, the deposition will be taken of Juana Zavala. Said deposition will be taken for purposes of discovery and all other purposes provided by law before an officer duly authorized to administer oaths. The deposition shall continue from day-to-day until completion. This deposition may also be videotaped by a videographer.

McLAIN & MERRITT, P.C.



Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP



3445 Peachtree Road, N.E., Suite 500

Atlanta GA 30326

(404) 365-4576

(404) 364-3138 (fax)

[jrogers@mmatllegal.com](mailto:jrogers@mmatllegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **NOTICE OF TAKING DEPOSITION** has this day been filed and served upon opposing counsel via PeachCourt E-File.

This the 5th day of September, 2021.

McLAIN & MERRITT, P.C.

A handwritten signature in black ink, appearing to read 'J. Rogers', written over a horizontal line.

Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326  
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**21CI00984**  
**SCOTT MINTER**  
**SEP 05, 2021 11:37 AM**

IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA

JUANA ZAVALA,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

Civil Action File No.  
21CI00984

*Babs Bailey*  
Babs Bailey, Clerk  
Whitfield County, Georgia

**CERTIFICATE REGARDING DISCOVERY**

Pursuant to Uniform State Court Rule 5.2, as amended, the undersigned hereby certifies that the following discovery has been served upon all persons identified in the Certificate of Service attached hereto and incorporated herein by reference:

- 1) REQUEST FOR ADMISSIONS
- 2) INTERROGATORIES AND REQUEST FOR PRODUCTION TO PLAINTIFF

McLAIN & MERRITT, P.C.



Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500

Atlanta GA 30326

(404) 365-4576

(404) 364-3138 (fax)

[jrogers@mmatllegal.com](mailto:jrogers@mmatllegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **CERTIFICATE REGARDING DISCOVERY** has this day been filed and served upon opposing counsel via PeachCourt E-File.

This the 5th day of September, 2021.

McLAIN & MERRITT, P.C.

A handwritten signature in black ink, appearing to read 'J. Rogers', written over a horizontal line.

Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326  
(404) 365-4576  
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[jrogers@mmatllegal.com](mailto:jrogers@mmatllegal.com)

**21CI00984**  
SCOTT MINTER  
SEP 20, 2021 08:41 AM

IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA

JUANA ZAVALA

Plaintiff,

vs.

WAL-MART STORES EAST, LP

Defendant.

CIVIL ACTION NO.  
21CI00984

*Babs Bailey*  
Babs Bailey, Clerk  
Whitfield County, Georgia

**CERTIFICATE REGARDING DISCOVERY**

Pursuant to Uniform State Court Rule 5.2, as amended, the undersigned hereby certifies that the following discovery has been served upon all persons identified in the Certificate of Service attached hereto and incorporated herein by reference:

1. **DEFENDANT WAL-MART STORES EAST, LP'S ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES**
2. **DEFENDANT WAL-MART STORES EAST, LP'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

This the 20<sup>th</sup> day of September, 2021.

McLAIN & MERRITT, P.C.



Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **CERTIFICATE REGARDING DISCOVERY** has this day been filed and served upon opposing counsel via PeachCourt eFile.

This the 20<sup>th</sup> day of September, 2021.

McLAIN & MERRITT, P.C.

A handwritten signature in black ink, appearing to read 'J. Rogers', written over a horizontal line.

Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta, GA 30326  
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**21CI00984**  
SCOTT MINTER  
OCT 02, 2021 09:40 AM

IN THE SUPERIOR COURT OF WHITFIELD COUNTY  
STATE OF GEORGIA

JUANA ZAVALA

Plaintiff,

vs.

WAL-MART STORES EAST, LP

Defendant.

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CIVIL ACTION NO. 21CI00984

*Babs Bailey*  
Babs Bailey, Clerk  
Whitfield County, Georgia

**5.2 CERTIFICATE OF SERVICE OF DISCOVERY**

This is to serve notice, pursuant to Uniform Superior Court Rule 5.2, that the undersigned has this date served Plaintiff's Responses to Defendant's First Request for Admissions upon opposing counsel by electronic mail.

This 2nd day of October, 2021.

**MCCAMY, PHILLIPS, TUGGLE & FORDHAM LLP**

BY: /s/ Nathan D. Lock  
NATHAN D. LOCK,  
STATE BAR NO. 948780  
Attorney for Plaintiff

P. O. BOX 1105  
DALTON GA 30722-1105  
P: 706-278-4499  
F: 706-529-8814  
[nlock@mccamylaw.com](mailto:nlock@mccamylaw.com)



**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the following with a copy of the within Certificate of Service of Discovery by electronic mail automatically generated by the PeachCourt electronic filing system.

**Jennie E. Rogers, Esq.  
McLain & Merritt, P.C.  
3445 Peachtree Road, N.E., Suite 500  
Atlanta, GA 30326  
jrogers@mmatlilaw.com**

This 2nd day of October, 2021.

**MCCAMY, PHILLIPS, TUGGLE & FORDHAM LLP**

By: /s/ Nathan D. Lock  
Nathan D. Lock  
Ga. Bar No. 948780